



**Town of Mansfield
Code of Ordinances**

“An Ordinance Regarding the Right to Farm”

Adopted July 23, 2012

Effective August 23, 2012

Section 1. Title.

This chapter shall be known and may be cited as the “Right to Farm Ordinance.”

Section 2. Legislative Authority.

This chapter is enacted pursuant to sections 1-1, 7-148 and 19a-341(a) and (c) of the Connecticut General Statutes.

Section 3. Findings and Purpose.

Agriculture plays a significant role in the heritage and future of the Town of Mansfield. The Town Council of the Town of Mansfield recognizes the importance of agriculture and farming to the quality of life, heritage, public health, scenic vistas, tax base, wetlands and wildlife, and local economy of the Town of Mansfield. This ordinance is intended to encourage the pursuit of agriculture and farming, promote agriculturally based economic opportunities, and protect farmland within the Town of Mansfield by allowing agricultural uses and related activities to function with minimal conflict with abutting property owners and Town of Mansfield agencies.

It is the declared policy of the Town of Mansfield to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food and other agricultural products and for its natural and ecological value, while being respectful of the land and conscious of potential impacts on natural resources. It is also determined that whatever the effect may be on others through generally accepted agricultural practices is offset and ameliorated by the benefits of local agriculture and farming to the neighborhood and to the people of the Town of Mansfield.

Section 4. Definitions.

The terms “agriculture and “farming” shall have all those meanings set forth in section 1-1(q), as amended, of the Connecticut General Statutes.

Section 5. Right to Farm.

Notwithstanding any general statute or municipal ordinance or regulation pertaining to nuisances to the contrary, no agricultural or farming operation, place, establishment or facility within the Town of Mansfield, or any of its appurtenances, or the operation thereof shall be deemed to constitute a nuisance, either public or private, due to alleged objectionable (1) odor from livestock, manure, fertilizer or feed, (2) noise from livestock or farm equipment used in normal, generally accepted farming procedures, (3) dust created during plowing or cultivation operations, (4) use of chemicals, provided such chemicals and the method of their application conform to practices approved by the Connecticut Commissioner of Energy and Environmental Protection

or, where applicable, the Commissioner of Public Health, or (5) water pollution from livestock or crop production activities, except the pollution of public or private drinking water supplies, provided such activities conform to acceptable management practices for pollution control approved by the Commissioner of Energy and Environmental Protection; provided such agricultural or farming operation, place, establishment or facility has been in operation for one year or more and has not been substantially changed, and such operation follows generally accepted agricultural practices. Inspection and approval of the agricultural or farming operation, place, establishment, or facility by the Commissioner of Agriculture or his designee shall be prima facie evidence that such operation follows generally accepted agricultural practices.

Section 6. Exceptions.

The provisions of this chapter shall not apply whenever a nuisance results from willful or reckless misconduct in the operation of any such agricultural or farming operation, place, establishment or facility, or any of its appurtenances.